

**STATE OF CONNECTICUT**  
**STATE ELECTIONS ENFORCEMENT COMMISSION**

In the Matter of a Complaint by Maria Pereira, Bridgeport

File No. 2017-060

**FINDINGS AND CONCLUSIONS**

The Complainants Maria Pereira and Karen Jackson filed the instant complaint with the Commission pursuant to Connecticut General Statutes § 9-7b. The Complaint alleged numerous violations of election law by the *Re-Elect Paoletto/Smith 2017* committee, including that :<sup>1</sup> A) associates of the *Re-Elect Paoletto/Smith 2017* committee repeatedly were present and electioneering within the 75 foot zone outside a polling place; B) associates of the *Re-Elect Paoletto/Smith 2017* committee allowed individuals to sign petition pages in the name of others; and C) the *Re-Elect Paoletto/Smith 2017* committee distributed campaign literature that did not contain the required attributions. The following are the Commission's findings of fact and conclusions of law:

**BACKGROUND**

1. At all times relevant hereto, Anthony Paoletto and Nessa Smith were candidates for the Bridgeport City Council District 138 in the 2017 municipal primary and general election.
2. At all times relevant hereto, the *Re-Elect Paoletto/Smith 2017* committee was a political committee formed to finance the candidacy of Anthony Paoletto and Nessa Smith.
3. At all times relevant hereto, Richard Paoletto was the treasurer of the *Re-Elect Paoletto/Smith 2017* committee.
4. In the course of the campaign, Respondent Tony Bell circulated nominating petitions on behalf of the the *Re-Elect Paoletto/Smith 2017* campaign.

**COUNT I**

5. Complainants alleged that associates of the *Re-Elect Paoletto/Smith 2017* committee repeatedly were present and electioneering within the 75 foot zone outside a polling place.
6. General Statutes § 9-236 (a) provides:

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<sup>1</sup> Any other allegation contained within the Complaint but not addressed herein either failed to allege facts that, even if true, would be a violation of Connecticut's election laws, or could not be supported after a thorough investigation by Commission Investigators and thus should be dismissed.

On the day of any primary, referendum or election, no person shall solicit on behalf of or in opposition to the candidacy of another or himself or on behalf of or in opposition to any question being submitted at the election or referendum, or loiter or peddle or offer any advertising matter, ballot or circular to another person within a radius of seventy-five feet of any outside entrance in use as an entry to any polling place or in any corridor, passageway or other approach leading from any such outside entrance to such polling place or in any room opening upon any such corridor, passageway or approach. Nothing contained in this section shall be construed to prohibit (1) parent-teacher associations or parent-teacher organizations from holding bake sales or other fund-raising activities on the day of any primary, referendum or election in any school used as a polling place, provided such sales or activities shall not be held in the room in which the election booths are located, (2) the registrars of voters from directing the officials at a primary, referendum or election to distribute, within the restricted area, adhesive labels on which are imprinted the words "I Voted Today", or (3) the registrars of voters in a primary, election or referendum from jointly permitting nonpartisan activities to be conducted in a room other than the room in which the election booths are located. The registrars may jointly impose such conditions and limitations on such nonpartisan activity as deemed necessary to ensure the orderly process of voting. The moderator shall evict any person who in any way interferes with the orderly process of voting.

7. In the Complaint, Complainants specifically alleged that Respondent Angel Figueroa was passing out campaign literature inside the above mentioned "75 foot zone" outside the JFK Campus polling location.
8. Based upon that allegation, Commission investigators reviewed the moderator's diary for that polling location and spoke with the polling place moderator. The records and the interview revealed that one of the Complainants did mention to a polling place official that Respondent Figueroa was within the "75 foot zone." However, when the poll workers investigated the situation, the poll workers stated that they did not see Respondent Figueroa within the "75 foot zone" at that time or at any other point that day.
9. Accordingly, it is the determination of the Commission that this count should be dismissed.

#### COUNT II

10. Complainants alleged that associates of the *Re-Elect Paoletto/Smith 2017* committee allowed individuals to sign petition pages in the name of others.
11. In the course of the investigation, Commission investigators obtained sworn statements from three individuals alleging that indicated that Respondent Tony Bell, a nominating petition circulator for the *Re-Elect Paoletto/Smith 2017* committee, had permitted them to

sign a nominating petition in their own name and in the name of members of their household.

12. One individual further alleged that she had witnessed two other individuals' sign a petition page in the names of other members of their respective households.

13. General Statutes § 9-453j provides:

Each page of a nominating petition submitted to the town clerk or the Secretary of the State and filed with the Secretary of the State under the provisions of sections 9-453a to 9-453s, inclusive, or section 9-216 shall contain a statement as to the residency in this state and eligibility of the circulator and authenticity of the signatures thereon, signed under penalties of false statement, by the person who circulated the same. Such statement shall set forth (1) such circulator's residence address, including the town in this state in which such circulator is a resident, (2) the circulator's date of birth and that the circulator is at least eighteen years of age, (3) that the circulator is a United States citizen and not on parole for conviction of a felony, and (4) that each person whose name appears on such page signed the same in person in the presence of such circulator and that either the circulator knows each such signer or that the signer satisfactorily identified himself to the circulator. Any false statement committed with respect to such statement shall be deemed to have been committed in the town in which the petition was circulated.

14. The investigation into this matter did not reveal any evidence to suggest that the candidates or any other member of the *Re-Elect Paoletto/Smith 2017* committee was aware of or complicit in the conduct of Mr. Bell with regard to the fraudulent nominating page signatures.

15. Moreover, Commission investigators made extensive attempts to reach Mr. Bell with regard to this matter including numerous emails, telephone calls, first class mail, certified mail, and home visits. Commission Investigators further conducted a complete background check on Mr. Bell using all of the law enforcement resources available to the Commission. To date, Commission investigators have been unable to contact Mr. Bell or definitively confirm his location.

16. Given that the conduct discovered in the investigation was limited to members of the same household and that Commission staff has been unable to locate Respondent Bell, the Commission directs staff to take no further action with regard to this allegation noting that the Commission may reopen this matter should Mr. Bell's location become known to the Commission.

COUNT III

17. Complainants alleged that the *Re-Elect Paoletto/Smith 2017* committee distributed campaign literature that did not contain the required attributions.

18. General Statutes § 9-612 (a) provides:

No individual shall make or incur any expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, no group of two or more individuals acting together that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee shall make or incur any expenditure, and no candidate or committee shall make or incur any expenditure including an organization expenditure for a party candidate listing, as defined in subparagraph (A) of subdivision (25) of section 9-601, for any written, typed or other printed communication, or any web-based, written communication, which promotes the success or defeat of any candidate's campaign for nomination at a primary or election or promotes or opposes any political party or solicits funds to benefit any political party or committee unless such communication bears upon its face as a disclaimer (1) the words "paid for by" and the following: (A) In the case of such an individual, the name and address of such individual; (B) in the case of a committee other than a party committee, the name of the committee and its treasurer; (C) in the case of a party committee, the name of the committee; or (D) in the case of a group of two or more individuals that receives funds or makes or incurs expenditures not exceeding one thousand dollars in the aggregate and has not formed a political committee, the name of the group and the name and address of its agent, and (2) the words "approved by" and the following: (A) In the case of an individual, group or committee other than a candidate committee making or incurring an expenditure with the consent of, in coordination with or in consultation with any candidate, candidate committee or candidate's agent, the name of the candidate; or (B) in the case of a candidate committee, the name of the candidate.

19. Specifically, the Complainant provided a copy of a "walk card" allegedly distributed by the *Re-Elect Paoletto/Smith 2017* committee. When asked, the candidate, Anthony Paoletto, acknowledged that the "walk card" was produced and distributed by the *Re-Elect Paoletto/Smith 2017* committee. Respondent Paoletto indicated that the error was the result of human error. Respondent Paoletto stated that the *Re-Elect Paoletto/Smith* campaign had previously used a different print shop and he acknowledged that his campaign did not properly review the material for the instant "walk card" before it went out.

20. A review of the other literature distributed by the *Re-Elect Paoletto/Smith 2017* committee shows that each other piece of campaign literature obtained by Commission investigators contained the proper attribution.

21. Moreover, while the literature did not strictly comply with the requirements of General Statutes § 9-621 (a), it was clear from the remainder of the text and imagery that the "walk card" was produced by and supported the *Re-Elect Paoletto/Smith 2017* committee.

22. While the failure to include necessary information in an attribution is a matter important to the Commission, when the identity of the person making the expenditure is clear and there is no evidence of bad faith, the Commission has a history of exercising its discretion not to pursue sanctions against respondents. See *In the Matter of a Complaint by Michael Gongler and Victor L. Harpley, Cromwell*, File No. 2009-126 (“The Commission concludes that the authorship of the flyer was clear to the reasonable observer and notes that the Respondents have no history of violations of the election laws.”); *In the Matter of a Complaint by John D. Norris, Southbury*, File No. 2011-108 (“Based on the Commission's finding that the person issuing the e-mail communication was clear to the reasonable observer, and the absence of a history of similar violations, and noting the absence of any evidence of any intent to deceive or mislead the public, the Commission declines to further investigate the attribution matter.”); *In the Matter of a Complaint by Arthur Scialabba, Norwalk*, File 2011-125; *Complaint of Robert W Prentice, Wallingford*, File No 2011 -134; *In the Matter of a Complaint by Arthur Scialabba, Norwalk*, File 2012-011; *In the Matter of Complaints by Pete Bass, New Milford*, File 2012-158 & 162; *In the Matter of a Complaint by Michael J. Flint, Lakeville*, File No. 2013-135.
23. Accordingly, the Commission directs staff to take no further action with regard to this allegation.

ORDER

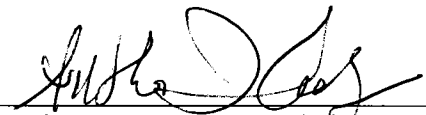
The following Order is recommended on the basis of the aforementioned findings:

Count I is dismissed.

The Commission shall take no further action with regard to Count II unless and until the location of Respondent Bell becomes known to the Commission at which point the Commission may re-open this matter for the purposes of adjudicating this allegation.

The Commission shall take no further action with regard to Count III.

Adopted this 4 day of MARCH, 2020 at Hartford, Connecticut.

  
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Anthony J. Castagno, Chairperson  
By Order of the Commission